

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	<b>CASE NO. 8:01CR259</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>ELIAS ZAVALA,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the Court on Defendant Elias Zavala's Motion to Dismiss Indictment and Vacate Conviction and Motion to Reinstate or Re-open Case on Docket Court (Filing No. 178), which the Court will construe as a successive petition under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody ("§ 2255 motion").

Rule 9 of the Rules Governing Section 2255 Proceedings states, in pertinent part, that "[b]efore presenting a second or successive motion, the moving party must obtain an order from the appropriate court of appeals authorizing the district court to consider the motion, as required by 28 U.S.C. § 2255, para. 8." The Defendant's successive § 2255 motion is denied for lack of an order from the Eighth Circuit allowing this Court to consider the motion.

IT IS ORDERED:

1. The Defendant's Motion to Dismiss Indictment and Vacate Conviction and Motion to Reinstate or Re-open Case on Docket Court (Filing No. 178), construed as a successive petition under 28 U.S.C. § 2255, is denied; and

2. The Clerk is directed to mail a copy of this order to the Defendant at his last known address.

DATED this 1<sup>st</sup> day of August, 2014.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge